

15750  
U.S. PTO  
030304

|  |                         |  |
|--|-------------------------|--|
| UTILITY<br>PATENT APPLICATION<br>TRANSMITTAL | Attorney Docket No.:    | 9005/45  |
|  | First Inventor:         | Stephen G. Evangelides, Jr. et al.   |
|  | Title:                  | OPTICAL PERFORMANCE MONITORING BETWEEN<br>TERMINAL EQUIPMENT AND AN OPTICAL INTERFACE TO<br>AN OPTICAL SUBMARINE TRANSMISSION LINE |
|  | Express Mail Label No.: | ER 427119013 US  |

(Only for new nonprovisional applications under 37 CFR 1.53(b))

| APPLICATION ELEMENTS<br>(see MPEP chapter 600 concerning<br>utility patent application contents)  | ADDRESS TO:<br>Mail Stop Patent Application<br>Commissioner for Patents<br>P.O. Box 1450<br>Alexandria, VA 22313-1450  |  |
|---|--|--|
| 1. <input type="checkbox"/> Fee Transmittal Form in duplicate<br>(Submit an original and a duplicate for fee processing)  | 7. <input type="checkbox"/> CD-ROM or CD-R in duplicate, large<br>table or Computer Program (Appendix)   |  |
| 2. <input checked="" type="checkbox"/> Applicant claims small entity status<br>See 37 CFR 1.27  | 8. <input type="checkbox"/> Nucleotide and/or Amino Acid Sequence<br>(if applicable, all necessary)  |  |
| 3. <input checked="" type="checkbox"/> Specification Total Pages <input type="text" value="11"/><br>(preferred arrangement set forth below)<br>-Descriptive title of the invention<br>-Cross Reference to Related Applications<br>-Statement Regarding Fed sponsored R&D<br>-Reference to sequence listing, a table,<br>-Background of the Invention<br>-Brief Summary of the Invention<br>-Brief Description of the Drawings (if filed)<br>-Detailed Description<br>-Claim(s)<br>-Abstract of the Disclosure | a. <input type="checkbox"/> Computer Readable Form (CFR)<br>b. <input type="checkbox"/> Specification Sequence Listing on:<br>i. <input type="checkbox"/> CD-ROM or CD-4 (2 copies);<br>ii. <input type="checkbox"/> or paper<br>c. <input type="checkbox"/> Statements verifying identify of above copies |  |
| 4. <input checked="" type="checkbox"/> Drawing(s) Total Sheets <input type="text" value="2"/>   | ACCOMPANYING APPLICATION PARTS   |  |
| 5. Oath or Declaration<br>a. <input type="checkbox"/> Newly executed (original or copy)<br>b. <input type="checkbox"/> Copy from a prior application (37<br>CFR 1.63(d)) (for continuation/ divisional with<br>Box 18 completed)<br>i. <input type="checkbox"/> DELETION OF INVENTOR(S)<br>Signed statement attached deleting<br>inventor(s) named in the prior application,<br>see 37 CFR 1.63(d)(2) and 1.33(b).  | 9. <input type="checkbox"/> Assignment Papers (cover sheet & document(s))  |  |
| 6. <input type="checkbox"/> Application Data Sheet under 37 CFR 1.76  | 10. <input type="checkbox"/> 37 CFR 3.73(b) <input type="checkbox"/> Power of Attorney<br>Statement (when there is an assignee)  |  |
|   | 11. <input type="checkbox"/> English Translation Document (if applicable)  |  |
|   | 12. <input type="checkbox"/> IDS <input type="checkbox"/> Copies of IDS Citations  |  |
|   | 13. <input type="checkbox"/> Preliminary Amendment   |  |
|   | 14. <input checked="" type="checkbox"/> Return Receipt Postcard (MPEP 503)   |  |
|   | 15. <input type="checkbox"/> Certified Copy of Priority Document   |  |
|   | 16. <input checked="" type="checkbox"/> Nonpublication Request under 35 U.S.C.<br>122(b)(2)(B)(i). Applicant must attach form<br>PTO/SB/35 or its equivalent.  |  |
|   | 17. <input type="checkbox"/> Other: _____  |  |

18. IF A CONTINUING APPLICATION, check appropriate box and supply the requisite information below and in a preliminary amendment:

☐ Continuation ☐ Divisional ☒ Continuation-in- Part (CIP) Prior Appl. No.

Prior Appl. information: Examiner:  Group/Art Unit:

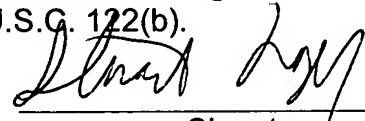
For CONTINUATION OR DIVISIONAL APPS only: The entire disclosure of the prior application, from which an oath or declaration is supplied under Box 5b, is considered a part of the disclosure of the accompanying continuation or divisional application and is hereby incorporated by reference. The incorporation can only be relied upon when a portion has been inadvertently omitted from the submitted application parts.

|   |  |           |                          |                              |          |              |  |
|---|--|-----------|--------------------------|------------------------------|----------|--------------|--|
| 19. CORRESPONDENCE ADDRESS  |  |           |                          |                              |          |              |  |
| <input checked="" type="checkbox"/> Customer Number or Bar Code Label | <input type="text" value="27774"/>           | or        | <input type="checkbox"/> | Correspondence address below |          |              |  |
| Name  | Stuart H. Mayer                              |           |                          |                              |          |              |  |
| Address   | Mayer Fortkort & Williams, PC                |           |                          |                              |          |              |  |
|   | 251 North Avenue West, 2 <sup>nd</sup> Floor |           |                          |                              |          |              |  |
| City  | Westfield                                    | State     | NJ                       |                              | Zip Code | 07090        |  |
| Country   | USA  | Telephone | 908-518-7700             |                              | Fax      | 908-518-7795 |  |
| Name  | Stuart H. Mayer                              |           |                          | Registration No.             | 35,277   |              |  |
| SIGNATURE   | <i>Stuart H. Mayer</i>                       |           |                          | Date                         | 3/3/04   |              |  |

|  |                         |  |
|--|-------------------------|--|
| NONPUBLICATION<br>REQUEST<br>UNDER<br>35 U.S.C.122(b)(2)(B)(i) | First Named<br>Inventor | Stephen G. Evangelides Jr. et al.  |
|  | Title                   | Optical Performance Monitoring Between Terminal<br>Equipment And An Optical Submarine Transmission<br>Line |
|  | Atty Docket<br>Number   | 9005/45  |

I hereby certify that the invention disclosed the attached application **has not and will not be** the subject of an application filed in another country, or under a multilateral agreement, that requires publication at eighteen months after filing. I hereby request the attached application not be published under 35 U.S.C. 122(b).

3/3/04  
Date


  
Signature

Stuart H. Mayer  
Type or printed name

This request must be signed in compliance with 37 CFR 1.33(b) and submitted with the application **upon filing**.

Applicant may rescind this nonpublication request at any time. If applicant rescinds a request that an application not be published under 35 U.S.C. 122(b), the application will be scheduled for publication at eighteen months from the earliest claimed filing date for which a benefit is claimed.

If applicant subsequently files an application directed to the invention disclosed in the attached application in another country, or under a multilateral international agreement, that requires publication of applications eighteen months after filing, the applicant **must** notify the United States Patent and Trademark Office of such filing within forty-five (45) days after the date of the filing of such foreign or international application. **Failure to do so will result in abandonment of this application (35 U.S.C. 122(b)(2)(B)(iii).**

|  |                               |                        |                              |
|--|-------------------------------|------------------------|------------------------------|
| <b>CERTIFICATE OF MAILING BY "EXPRESS MAIL" (37 CFR 1.10)</b>  |                               |                        | Docket No.                   |
| Applicant(s): Stephen G. Evangelides, Jr. et al.   |                               |                        | 9005/45                      |
| Serial No.<br>Unassigned   | Filing Date<br>Filed Herewith | Examiner<br>Unassigned | Group Art Unit<br>Unassigned |
| Invention: <b>OPTICAL PERFORMANCE MONITORING BETWEEN TERMINAL EQUIPMENT AND AN OPTICAL INTERFACE TO AN OPTICAL SUBMARINE TRANSMISSION LINE</b>   |                               |                        |                              |
| <p>I hereby certify that the following correspondence:</p> <div style="border: 1px solid black; padding: 5px; margin: 10px 0;"><b>New U.S. Continuation-In-Part Patent Application</b></div> <p style="text-align: center;"><i>(Identify type of correspondence)</i></p> <p>is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR 1.10 in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on</p> <p style="text-align: center;"><u>3/3/04</u><br/><i>(Date)</i></p> <div style="text-align: right; margin-top: 20px;"><p><u>Marjorie Scariati</u><br/><i>(Typed or Printed Name of Person Mailing Correspondence)</i></p><p><u></u><br/><i>(Signature of Person Mailing Correspondence)</i></p><p><u>ER 427119013 US</u><br/><i>("Express Mail" Mailing Label Number)</i></p></div> |                               |                        |                              |
| <p><b>Note: Each paper must have its own certificate of mailing.</b></p>   |                               |                        |                              |